

## TABLE OF CONTENTS

### CHAPTER Rep 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

#### PART Rep 101 PUPOSE AND SCOPE

##### Section Rep 101.01 Purpose and Scope

#### PART Rep 102 DEFINITIONS

##### Section Rep 102.01 Terms Used

#### PART Rep 103 BOARD ORGANIZATION

##### Section Rep 103.01 Duties and Responsibilities

##### Section Rep 103.02 Composition of the Board

##### Section Rep 103.03 The Chairperson and Vice Chairperson

##### Section Rep 103.04 Staff

##### Section Rep 103.05 Organization

##### Section Rep 103.06 Seal

##### Section Rep 103.07 Office Hours, Office Location, Mailing Address and Telephone

#### PART Rep 104 PUBLIC INFORMATION

##### Section Rep 104.01 Record of Board Actions

##### Section Rep 104.02 Custodian of Records

##### Section Rep 104.03 Roster Distribution

#### PART Rep 105 MEETINGS, DELIBERATIONS AND DECISIONS

##### Section Rep 105.01 Meetings

##### Section Rep 105.02 Quorum

##### Section Rep 105.03 Board Meeting Procedures

##### Section Rep 105.04 Procedures

##### Section Rep 105.05 Tentative Decisions

#### PART Rep 106 APPOINTMENT OF COMMITTEES

##### Section Rep 106.01 Committees

### CHAPTER Rep 200 PRACTICE AND PROCEDURE

#### PART Rep 201 PURPOSE AND SCOPE

##### Section Rep 201.01 Purpose and Scope

#### PART Rep 202 DEFINITIONS

##### Section Rep 202.01 Definitions

#### PART Rep 203 PRESIDING OFFICER; WITHDRAWAL AND WAIVER OF RULES

##### Section Rep 203.01 Presiding Officer; Appointment; Authority

##### Section Rep 203.02 Withdrawal of Presiding Officer

##### Section Rep 203.03 Waiver or Suspension of Rules by Presiding Officer

#### PART Rep 204 FILING, FORMAT AND DELIVERY OF DOCUMENTS

##### Section Rep 204.01 Date of Issuance or Filing

##### Section Rep 204.02 Format of Documents

##### Section Rep 204.03 Delivery of Documents

#### PART Rep 205 TIME PERIODS

##### Section Rep 205.01 Computation of Time

PART Rep 206 MOTIONS AND PLEADINGS

Section Rep 206.01 Motions; Objections

Section Rep 206.02 Pleadings

PART Rep 207 NOTICE OF HEARING; APPEARANCES; PRE-HEARING CONFERENCES

Section Rep 207.01 Commencement of Hearing

Section Rep 207.02 Docket Numbers

Section Rep 207.03 Notice of Hearing

Section Rep 207.04 Appearances and Representation

Section Rep 207.05 Prehearing Conference

PART Rep 208 ROLES OF BOARD STAFF AND COMPLAINANTS

Section Rep 208.01 Role of Board Staff in Enforcement or Disciplinary Hearings

Section Rep 208.02 Role of Complainants in Enforcement or Disciplinary Hearings

PART Rep 209 INTERVENTION

Section Rep 209.01 Intervention

PART Rep 210 POSTPONEMENT REQUESTS AND FAILURE TO ATTEND HEARING

Section Rep 210.01 Postponements

Section Rep 210.02 Failure to Attend Hearing

PART Rep 211 REQUESTS FOR INFORMATION OR DOCUMENTS

Section Rep 211.01 Voluntary Production of Information

Section Rep 211.02 Motions to Compel Production of Information

Section Rep 211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits

PART Rep 212 RECORD, PROOF, EVIDENCE AND DECISIONS

Section Rep 212.01 Record of the Hearing

Section Rep 212.02 Standard and Burden of Proof

Section Rep 212.03 Testimony; Order of Proceeding

Section Rep 212.04 Evidence

Section Rep 212.05 Proposed Findings of Fact and Conclusions of Law

Section Rep 212.06 Closing the Record

Section Rep 212.07 Reopening the Record

Section Rep 212.08 Decisions

PART Rep 213 MOTIONS FOR REHEARING

Section Rep 213.01 Purpose

Section Rep 213.02 Applicability

Section Rep 213.03 Filing and Content of Motion

Section Rep 213.04 Standard for Granting Motion for Rehearing

Section Rep 213.05 Decision on Motion for Rehearing

PART Rep 214 RULEMAKING PUBLIC COMMENT HEARINGS

Section Rep 214.01 Purpose

Section Rep 214.02 Scope

Section Rep 214.03 Notice

Section Rep 214.04 Media Access

Section Rep 214.05 Moderator

Section Rep 214.06 Public Participation

PART Rep 215 PETITION FOR RULEMAKING  
Section Rep 215.01 Petition for Rulemaking  
Section Rep 215.02 Disposition of Petition

PART Rep 216 DECLARATORY RULINGS  
Section Rep 216.01 Petitions  
Section Rep 216.02 Action on Petitions

PART Rep 217 EXPLANATION AFTER ADOPTION  
Section Rep 217.01 Explanation After Adoption

CHAPTER Rep 300 LICENSURE REQUIREMENTS

PART Rep 301 APPLICATION REQUIREMENTS  
Section Rep 301.01 Application Process  
Section Rep 301.02 Application for Licensure  
Section Rep 301.03 Additional Requirements  
Section Rep 301.04 Application/Licensure Fees  
Section Rep 301.05 Fees

PART Rep 302 QUALIFICATION OF APPLICANTS  
Section Rep 302.01 Candidate Requirements  
Section Rep 302.02 References Required  
Section Rep 302.03 Information from References  
Section Rep 302.04 Additional References  
Section Rep 302.05 Denial of Application

PART Rep 303 EXAMINATIONS  
Section Rep 303.01 Examinations

PART Rep 304 CREDENTIALS  
Section Rep 304.01 License  
Section Rep 304.02 Pocket Cards  
Section Rep 304.03 Licensed Court Reporter Seal/Stamp/License Number

PART Rep 305 FACILITATED LICENSING FOR MILITARY SPOUSES  
Section Rep 305.01 Licensing for Active Duty Military Spouses

CHAPTER Rep 400 CONTINUED STATUS

PART Rep 401 RENEWAL OF LICENSE  
Section Rep 401.01 Expirations and Renewals  
Section Rep 401.02 Renewal of License  
Section Rep 401.03 Renewal Application  
Section Rep 401.04 Denial of Renewal  
Section Rep 401.05 Reinstatement  
Section Rep 401.06 Denial of Reinstatement  
Section Rep 401.07 Active Duty Military Inactive Status

PART Rep 402 DISCIPLINARY MATTERS  
Section Rep 402.01 Initiation of Disciplinary Action  
Section Rep 402.02 Disciplinary Sanctions  
Section Rep 402.03 Administrative Fines  
Section Rep 402.04 Procedures for Assessing and Collecting Fines

PART Rep 403 CONTINUING EDUCATION

Section Rep 403.01 Renewal Requirements

Section Rep 403.02 Record Keeping

Section Rep 403.03 Exemptions

Section Rep 403.04 Waiver of Continuing Education Deadline

CHAPTER Rep 500 ETHICAL STANDARDS, PROFESSIONAL CONDUCT, ADMINISTRATIVE  
FINES AND LICENSE SURRENDER

Section Rep 501.01 Purpose and Scope

Section Rep 501.02 Obligation to Obey

Section Rep 501.03 National Court Reporters Association of Code of Ethics as Binding  
Ethical Standards

PART Rep 502 VOLUNTARY LICENSE SURRENDER

Section Rep 502.01 Procedure for Surrendering a License

Section Rep 502.02 Effect of Voluntary License Surrender

Section Rep 502.03 Voluntary Surrender When Misconduct Allegations are Pending

## CHAPTER Rep 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

### PART Rep 101 PURPOSE AND SCOPE

Rep 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of court reporters created by RSA 310-A: 161. These provisions regulate but are not limited to the licensing of court reporters and the practice of court reporting in the state of New Hampshire.

### PART Rep 102 DEFINITIONS

Rep 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

- (a) "Board" means the New Hampshire board of court reporters created by RSA 310-A:161.
- (b) "Court reporter" means, "court reporter" as defined in RSA 310-A:162, II namely " a person who has met the requirements set forth in this subdivision and is licensed to engage in shorthand reporting or voice writing."
- (c) "Executive director" means the board's staff director, a person with delegated authority to perform administrative and clerical functions for the board.
- (d) "Machine writing" means machine writing as defined in RSA 310-A:162, III namely "the making of a verbatim record of the spoken word by means of the use of phonetic entries into a stenotype machine."
- (e) "Shorthand Reporting" means shorthand reporting as defined in RSA 310-A:162, V namely "the making by means of written symbols or abbreviations in shorthand or machine writing a verbatim record of the spoken word."
- (f) "Voice reporting" means voice reporting as defined in RSA 310-A:162, VI namely "the making of a verbatim record of the spoken word by means of voice writing."
- (g) "Voice writing" means voice writing as defined in RSA 310-A:162, VII namely the making of a verbatim record of the spoken word by means of an individual repeating the words of the speaker into a device either capable of digital translation into English text, or a device capable of creating a tape or digital recording."

### PART Rep 103 BOARD ORGANIZATION

Rep 103.01 Duties and Responsibilities The board shall administer the provisions of RSA 310-A:161-181 which include but are not limited to safeguarding property, to promoting public welfare and maintaining a high standard of integrity, skills and practice in the profession of court reporting in this state.

Rep 103.02 Composition of the Board. Pursuant to RSA 310-A:163, I the board shall consist of 5 members who meet the eligibility requirements of RSA 310-A:163 I.

Rep 103.03 The Chairperson and Vice Chairperson. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall preside.

Rep 103.04 Staff. The board shall designate an executive director and such other staff members as are necessary to perform the record-keeping and other statutory functions of the board and to oversee the board's day-to-day operations.

Rep 103.05 Organization. Biennially, the board shall elect or appoint a chairperson, vice-chairperson, and secretary at the first meeting of the board in a calendar year.

Rep 103.06 Seal. The seal of the board shall be an embossed circular seal consisting of 2 concentric circles, the outer circle having a diameter of 1 7/8 inches and an inner circle having a diameter of 1 3/8 inches. In the space between the 2 circles at the top of the seal there shall be the words "Board of Court Reporters." At the bottom of the seal, in the space between the 2 circles, there shall be the words "State of New Hampshire." In the center space there shall be a representation of the Old Man in the Mountain with a dark red background.

Rep 103.07 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board's office shall be located at the New Hampshire Office of Professional Licensure and Certification, 121 South Fruit Street, Concord, N.H. and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the board's executive director at:

New Hampshire Office of Professional Licensure and Certification  
121 South Fruit Street  
Concord, N.H. 03301

(c) The board's telephone number shall be (603)-271-2219.

#### PART Rep 104 PUBLIC INFORMATION

Rep 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be public records and shall be available for inspection during the board's ordinary office hours within 144 hours from the close the meeting or vote in questions unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Rep 104.02 Custodian of Records. Persons desiring copies of board records shall submit a request which identifies as particularly as possible the information being sought and agrees to pay the actual costs incurred by the board for the documents provided. If records are requested which contain both public and confidential information, the board shall delete the confidential information and provide the remaining information.

Rep 104.03 Roster Distribution. Copies of a roster containing names, addresses, and assigned numbers of licensed court reporters shall be furnished upon request. The fee shall be \$30.00.

#### PART Rep 105 MEETINGS, DELIBERATIONS AND DECISIONS

Rep 105.01 Meetings. Regular meetings shall be held at least 3 times each year. Special meetings shall be called by order of the chairperson or secretary. Each member of the board shall be notified in writing of each meeting and such notice shall contain the place, date, time, and subject of the meeting. Notice of meetings shall be posted at the board office and the state house.

Rep 105.02 Quorum. A quorum of the board shall consist of not less than 3 members and a majority vote by the members present shall be necessary to pass a motion unless otherwise specified by law. In the absence of the chair, vice chair, or secretary, a quorum of the board shall designate a pro tempore officer for the officer or officers absent.

Rep 105.03 Board Meeting Procedures. The board shall conduct its meetings in the following order:

- (a) Reading of the minutes;
- (b) Interviews/meetings;
- (c) Reading of communications;
- (d) Reading and consideration of applications;
- (e) Unfinished business;
- (f) New business; and
- (g) Adjournment.

Rep 105.04 Procedures. Roberts Rules of Order, 9th edition dated 1990 shall govern the procedures of the board.

Rep 105.05 Tentative Decisions.

(a) When necessary to conduct the board's business in a timely and efficient manner, the board shall instruct its staff or a committee of the board to prepare a draft document, subject to subsequent review and approval by the board. Such instructions shall be known as tentative decisions.

(b) Tentative decisions shall not be final actions, and shall not be binding upon the board. Changes in the form or the substance of a tentative decision shall be made as often as necessary to produce a final document, which satisfactorily sets forth the final result the board intends to reach. The board's final decision shall be issued only when the necessary majority has voted in favor of the final form of the proposed action, allowing time for printing or servicing the document in question.

PART Rep 106 APPOINTMENT OF COMMITTEES

Rep 106.01 Committees.

(a) A committee shall consist of one or more of board members who have been directed by the board to investigate and make recommendations on matters which could be handled by the full board.

(b) When expressly authorized by the board, the authority of a committee shall include:

- (1) The retention of voluntary assistance from qualified non-board members; and
- (2) The retention of paid advisors or consultants pursuant to RSA 332:G-3.

CHAPTER Rep 200 PRACTICE AND PROCEDURE

PART Rep 201 PURPOSE AND SCOPE

Rep 201.01 Purpose and Scope. The board shall conduct various proceedings for the purpose of acquiring sufficient information to make fair and reasoned decisions on matters within its statutory jurisdiction, including decisions on applications for licensure and complaints filed against license holders and others in the practice of court reporting. These rules are intended to secure the just, efficient and accurate resolution of all board proceedings.

PART Rep 202 DEFINITIONS

Rep 202.01 Definitions.

(a) "Appearance" means a written notification to the board that a party or a party's representative intends to actively participate in a hearing.

(b) "Hearing" means "adjudicative proceeding" as defined by RSA 541-A:1, I, namely, "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36."



(c) “Motion” means a request to the presiding officer for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.

(d) “Natural person” means a human being.

(e) “Party” means “party” as defined by RSA 541-A:1, XII, namely, “each person or board named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party.”

(f) “Person” means “person” as defined by RSA 541-A:1, XIII, namely, “any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a board.”

(g) “Presiding officer” means presiding officer as defined in RSA 541-A:1, XIV.

(h) “Proof by a preponderance of the evidence” means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not to be true.

#### PART Rep 203 PRESIDING OFFICER; WITHDRAWAL AND WAIVER OF RULES

##### Rep 203.01 Presiding Officer; Appointment; Authority.

(a) All hearings shall be conducted for the board by a natural person appointed or authorized to serve as a presiding officer.

(b) A presiding officer shall as necessary:

- (1) Regulate and control the course of a hearing;
- (2) Facilitate an informal resolution acceptable to all parties;
- (3) Administer oaths and affirmations;
- (4) Receive relevant evidence at hearings and exclude irrelevant, immaterial or unduly repetitious evidence;
- (5) Rule on procedural requests, including adjournments or postponements, at the request of a party or on the presiding officer's own motion;
- (6) Question any witness to develop a complete record;
- (7) Cause a complete record of any hearing to be made, as specified in RSA 541-A:31, VI; and
- (8) Take any other action consistent with applicable statutes, rules and case law necessary to conduct the hearing and complete the record in a fair and timely manner.

Rep 203.02 Withdrawal of Presiding Officer.

(a) Upon his or her own initiative or upon the motion of any party, a presiding officer or board official shall, for good cause withdraw from any hearing.

(b) Good cause shall exist if a presiding officer or board official:

(1) Has a direct interest in the outcome of a proceeding, including, but not limited to, a financial or family relationship;

(2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of a case;

(3) Personally believes that he or she cannot fairly judge the facts of a case.

(c) Mere knowledge of the issues, the parties or any witness shall not constitute good cause for withdrawal.

Rep 203.03 Waiver or Suspension of Rules by Presiding Officer. The presiding officer, upon his or her own initiative or upon the motion of any party, shall suspend or waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver or suspension appears to be lawful, and would be more likely to promote the fair, accurate and efficient resolution of issues pending before the board than would adherence to a particular rule or procedure.

PART Rep 204 FILING, FORMAT AND DELIVERY OF DOCUMENTS

Rep 204.01 Date of Issuance or Filing. All documents governed by these rules shall be rebuttably presumed to have been issued on the date noted on the document and to have been filed with the board on the actual date of receipt by the board, as evidenced by a date stamp placed on the document by the board in the normal course of business.

Rep 204.02 Format of Documents.

(a) All correspondence, pleadings, motions or other documents filed under these rules shall:

(1) Include the title and docket number of the proceeding, if known;

(2) Be typewritten or clearly printed on durable paper 8 1/2 by 11 inches in size;

(3) Be signed by the party or proponent of the document, or, if the party appears by a representative, by the representative; and

(4) Include a statement certifying that a copy of the document has been delivered to all parties to the proceeding in compliance with Rep 204.03.

(b) A party or representative's signature on a document filed with the board shall constitute certification that:

- (1) The signer has read the document;
- (2) The signer is authorized to file it;
- (3) To the best of the signer's knowledge, information and belief there are good and sufficient grounds to support it; and
- (4) The document has not been filed for purposes of delay.

Rep 204.03 Delivery of Documents.

(a) Copies of all petitions, motions, exhibits, memoranda, or other documents filed by any party to a proceeding governed by these rules shall be delivered by that party to all other parties to the proceeding.

(b) All notices, orders, decisions or other documents issued by the presiding officer or board shall be delivered to all parties to the proceeding.

(c) Delivery of all documents relating to a proceeding shall be made by personal delivery or by depositing a copy of the document, by first class mail, postage prepaid, in the United States mail, addressed to the last address given to the board by the party or if represented to the party's representative.

(d) When a party appears by a representative, delivery of a document to the party's representative at the address stated on the appearance filed by the representative shall constitute delivery to the party.

PART Rep 205 TIME PERIODS

Rep 205.01 Computation of Time.

(a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.

(b) Computation of any period of time referred to in these rules shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.

(c) If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or legal holiday.

PART Rep 206 MOTIONS AND PLEADINGS

Rep 206.01 Motions; Objections.

(a) Motions shall be in written form and filed with the presiding officer, unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion.

(b) Oral motions and any oral objection to such motions shall be recorded in full in the record of the hearing. If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall order the moving party to submit the motion in writing, with supporting information within 5 days of the order. Objections to such motions shall be filed within 5 days of the filing of the motion.

(c) Objections to written motions shall be filed within 30 days of the date of the motion;

(d) Failure by an opposing party to object to a motion shall not in and of itself constitute grounds for granting the motion.

(e) The presiding officer shall rule upon a motion after full consideration of all objections and other factors relevant to the motion.

Rep 206.02 Pleadings.

(a) The only pleadings permitted shall be petitions, other than for rulemaking, and replies to petitions. Applications shall not be considered pleadings.

(b) All petitions shall contain:

- (1) The name and address of the petitioner;
- (2) The name and address of the petitioner's representative, if any;
- (3) A concise statement of the facts that caused the petitioner to request the board to act;
- (4) The action that the petitioner wishes the board to take; and
- (5) The identification of any statutes, rules, orders, or other authority that entitles the petitioner to request the board to act.

(c) Board replies to petitions shall contain:

- (1) The name and address of the petitioner;
- (2) The name and address of the representative of the petitioner, if any;

- (3) A statement addressing each fact alleged in the petition;
- (4) A statement addressing the authority identified by the petitioner;
- (5) A concise response to each statement;
- (6) The identification of any statutes, rules, orders, or other authority, not identified in the petition, having a bearing upon the subject matter of the petition; and
- (7) The action the board took.

(d) Replies shall be filed within 90 days from the date of the petition.

#### PART Rep 207 NOTICE OF HEARING; APPEARANCES; PRE-HEARING CONFERENCES

Rep 207.01 Commencement of Hearing. A hearing shall be commenced by an order of the board giving notice to the parties at least 30 days prior to the hearing as required by Rep 207.03.

Rep 207.02 Docket Numbers. A docket number shall be assigned to each matter to be heard which shall appear on the notice of hearing and all subsequent orders or decisions of the board.

Rep 207.03 Notice of Hearing.

(a) A notice of a hearing issued by the board at least 30 days prior to the hearing shall contain the information required by RSA 541-A:31, III, namely:

- (1) A statement of the time, place and nature of any hearing;
- (2) A statement of the legal authority under which a hearing is to be held;
- (3) A reference to the particular statutes and rules involved including this chapter;
- (4) A short and plain statement of the issues presented;
- (5) A statement that each party has the right to have an attorney represent them at their own expense; and
- (6) A statement that each party has the right to have the board provide a licensed court reporter at the party's expense and that any such request shall be submitted in writing at least 10 days prior to the hearing.

Rep 207.04 Appearances and Representation.

(a) A party or the party's representative shall file an appearance that includes the following information:

- (1) A brief identification of the matter;
- (2) A statement as to whether or not the representative is an attorney; and
- (3) The party or representative's daytime address and telephone number.

Rep 207.05 Prehearing Conference. Any party may request, or the presiding officer shall schedule on his or her own initiative, a pre-hearing conference in accordance with RSA 541-A:31,V to consider:

- (a) Offers of settlement;
- (b) Simplification of the issues;
- (c) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (d) Limitations on the number of witnesses;
- (e) Changes to standard procedures desired during the hearing by consent of the parties;
- (f) Consolidation of examination of witnesses; and
- (g) Any other matters which aid in the disposition of the proceeding.

#### PART Rep 208 ROLES OF BOARD STAFF AND COMPLAINANTS

Rep 208.01 Role of Board Staff in Enforcement or Disciplinary Hearings. Unless called as witnesses, board staff as defined in Rep 102.01 shall have no role in any enforcement or disciplinary hearing.

Rep 208.02 Role of Complainants in Enforcement or Disciplinary Hearings. Unless called as a witness or granted party or intervenor status, a person who initiates an adjudicative proceeding by complaining to the board about the conduct of a person who becomes a party shall have no role in any enforcement or disciplinary hearing.

#### PART Rep 209 INTERVENTION

Rep 209.01 Intervention.

(a) A non-party may intervene in a matter pending before the board under the provisions of RSA 541-A:32, by filing a motion stating facts demonstrating that the non-party's rights or other substantial interests might be affected by the proceeding or that the non-party qualifies as an intervenor under any provision of law.

(b) If the presiding officer determines that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearing, the presiding officer shall grant the motion for intervention.

(c) Participation by intervenors shall be limited to that which is necessary to protect the interest identified in the petition for intervention.

(d) Petitions for intervention shall be filed any time after commencement of a proceeding, and state:

(1) The petitioner's interest in the subject matter of the hearing;

(2) Whether the petitioner appears in support of the complainant, or the respondent, as well as for his or her own interest;

(3) Why the interests of the parties and the orderly and prompt conduct of the proceeding would not be impaired; and

(4) Any other reasons why the petitioner should be permitted to intervene.

(e) A person filing a complaint that becomes the subject of a disciplinary hearing shall be served with the hearing notice and notified of the right to intervene in the proceeding.

(f) Once granted leave to intervene, an intervenor shall take the proceeding as he or she finds it and no portion of the proceeding shall be repeated because of the fact of intervention.

#### PART Rep 210 POSTPONEMENT REQUESTS AND FAILURE TO ATTEND HEARING

##### Rep 210.01 Postponements.

(a) Any party to a hearing may make an oral or written motion that a hearing be postponed to a later date or time.

(b) If a postponement is requested by a party to the hearing, it shall be granted if the presiding officer determines that good cause has been demonstrated. Good cause shall include the unavailability of parties, witnesses or attorneys necessary to conduct the hearing, the likelihood that a hearing will not be necessary because the parties have reached a settlement or any other circumstances that demonstrate that a postponement would assist in resolving the case fairly.

(c) If the later date, time and place are known at the time of the hearing that is being postponed, the date, time and place shall be stated on the record. If the later date, time and place are not known at the time of the hearing that is being postponed, the presiding officer shall issue a written scheduling order stating the date, time and place of the postponed hearing as soon as practicable.

##### Rep 210.02 Failure to Attend Hearing.

(a) If any party to whom notice has been given in accordance with Rep 207.03 fails to attend a hearing, the presiding officer shall declare that party to be in default unless failure to attend is justified by a showing of good cause.

(b) Good cause shall include accident, illness or other circumstances beyond the control of the licensee.

(c) In the absence of good cause for failure to attend the hearing, the presiding officer shall:

- (1) Dismiss the case, if the party with the burden of proof fails to appear;
- (2) Hear the testimony and receive the evidence offered by a party, if that party has the burden of proof in the case; or
- (3) Grant a postponement of the hearing under the provisions of Rep 210.01.

#### PART Rep 211 REQUESTS FOR INFORMATION OR DOCUMENTS

##### Rep 211.01 Voluntary Production of Information.

(a) Each party shall attempt in good faith to completely and timely respond to requests for the voluntary production of information or documents relevant to the hearing.

(b) When a dispute between parties arises concerning a request for the voluntary production of information or documents, any party may file a motion to compel the production of the requested information under Rep 211.02.

##### Rep 211.02 Motions to Compel Production of Information.

(a) Any party may make a motion requesting that the presiding officer order the parties to comply with information requests. The motion shall be filed at least 15 days before the date scheduled for the hearing, or as soon as possible after receiving the notice of hearing.

(b) The moving party's motion shall:

- (1) Set forth in detail those factors which it believes justify its request for information; and
- (2) List with specificity the information it is seeking to discover.

(c) When a party has demonstrated that such requests for information are necessary for a full and fair presentation of the evidence at the hearing, the presiding officer shall grant the motion.

Rep 211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits. At least 5 days before the hearing the parties shall exchange a list of all witnesses to be called at the hearing with a brief summary of their testimony, a list of all documents or exhibits to be offered as evidence at the hearing, and a copy of each document or exhibit.

#### PART Rep 212 RECORD, PROOF, EVIDENCE AND DECISIONS

##### Rep 212.01 Record of the Hearing.



(a) The board shall record the hearing by tape recording or other method that will provide a verbatim record except for a proceeding on emergency action shall be governed by RSA 541-A:30, III.

(b) If any person requests a transcript of the taped record, the board shall cause a transcript to be prepared and, upon receipt of payment for the cost of the transcription, shall provide copies of the transcript to the requesting party.

(c) At the request of a party to any proceeding involving disciplinary action, the record of the proceeding shall be made by a licensed court reporter provided by the board at the requesting party's expense. A request for a licensed court reporter shall be filed at least 10 days prior to the hearing.

Rep 212.02 Standard and Burden of Proof. The party asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.

Rep 212.03 Testimony; Order of Proceeding.

(a) Any person offering testimony, evidence or arguments shall state for the record his or her name, and role in the proceeding. If the person is representing another person, the person being represented shall also be identified.

(b) Testimony shall be offered in the following order:

(1) The party or parties bearing the burden of proof and such witnesses as the party may call;

(2) The party or parties opposing the party who bears the overall burden of proof and such witnesses as the party may call.

Rep 212.04 Evidence.

(a) Receipt of evidence shall be governed by the provisions of RSA 541-A:33.

(b) All documents, materials and objects offered as exhibits shall be admitted into evidence unless excluded by the presiding officer as irrelevant, immaterial, unduly repetitious or legally privileged.

(c) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time when the evidence is offered.

(d) Transcripts of testimony and documents or other materials, admitted into evidence shall be public records unless the presiding officer determines that all or part of a transcript or document is exempt from disclosure under RSA 91-A:5 or applicable case law.

Rep 212.05 Proposed Findings of Fact and Conclusions of Law.

(a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.

(b) Upon request of any party, or if the presiding officer determines that proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall specify a date after the hearing for the submission of proposed findings of fact and conclusions of law.

(c) In any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Rep 212.06 Closing the Record.

(a) After the conclusion of the hearing, the record shall be closed and no other evidence shall be received into the record, except as allowed by (b) below and Rep 212.08.

(b) Before the conclusion of the hearing, a party may request that the record be left open to allow the filing of specified evidence not available at the hearing. If the other parties to the hearing have no objection or if the presiding officer determines that such evidence is necessary to a full consideration of the issues raised at the hearing, the presiding officer shall keep the record open for the period of time necessary for the party to file the evidence and for cross examination on such evidence.

Rep 212.07 Reopening the Record. At any time prior to the issuance of the decision on the merits, the presiding officer, on the presiding officer's own initiative or on the motion of any party, shall reopen the record to receive relevant, material and non-duplicative testimony, evidence or arguments not previously received, if the presiding officer determines that such testimony, evidence or arguments are necessary to a full and fair consideration of the issues to be decided.

Rep 212.08 Decisions.

(a) A board member shall not participate in making a decision unless he or she personally heard the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.

(b) If a presiding officer has been delegated the authority to conduct a hearing in the absence of a majority of the officials of the board who are to render a final decision, the presiding officer shall submit to the board a written proposal for decision, which shall contain a statement of the reasons for the decision and findings of fact and rulings of law necessary to the proposed decision.

(c) If a proposal for decision in a matter not personally heard by the board is adverse to a party to the proceeding other than the board itself, the board shall serve a copy of the proposal for decision on each party to the proceeding and provide an opportunity to file exceptions and present briefs and oral arguments to the board.

(d) A proposal for decision shall become a final decision upon its approval by the board.

(e) The board shall keep a decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records

management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

#### PART Rep 213 MOTIONS FOR REHEARING

Rep 213.01 Purpose. The rules in this part are intended to supplement any statutory provisions, including RSA 541, that require or allow a person to request a rehearing of a decision of the board prior to appealing the decision.

Rep 213.02 Applicability. The rules in this part shall apply whenever any person has a right under applicable law to request a rehearing of a decision prior to filing an appeal of the decision with the court having appellate jurisdiction.

##### Rep 213.03 Filing and Content of Motion.

(a) The motion for rehearing shall be filed within 30 days of the date of the board decision or order.

(b) A motion for rehearing shall:

- (1) Identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered;
- (2) Describe how each error causes the board's decision to be unlawful, unjust or unreasonable, or illegal in respect to jurisdiction, authority or observance of the law, an abuse of discretion, arbitrary, or capricious.
- (3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party; and
- (4) Include any argument or memorandum of law the moving party wishes to file.

Rep 213.04 Standard for Granting Motion for Rehearing. A motion for rehearing in a case subject to appeal under RSA 541 shall be granted if it demonstrates that the board's decision is unlawful, unjust or unreasonable.

Rep 213.05 Decision on Motion for Rehearing. The board shall grant or deny a motion for rehearing, or suspend the order or decision pending further consideration within 10 days of the filing of the motion for rehearing.

#### PART Rep 214 RULEMAKING PUBLIC COMMENT HEARINGS

Rep 214.01 Purpose. The purpose of this part is to provide a uniform procedure for the conduct of public hearings at which comment from the general public will be solicited for evaluation and consideration by the board relative to rulemaking.

Rep 214.02 Scope.

(a) These rules shall apply to all hearings required by state law to be conducted by the board at which public comment shall be solicited, except that they shall not apply to adjudicative hearings.

(b) If any requirement set by these rules conflicts with an applicable statute such other authority shall control.

Rep 214.03 Notice.

(a) A public comment hearing concerning rulemaking shall be commenced by placing notice of the hearing in the "Rulemaking Register" so that it shall appear at least 20 days prior to the hearing date.

(b) Notice for rulemaking public comment hearings shall comply with RSA 541-A:6, I.

(c) Nothing in these rules shall prohibit the board from giving greater notice than the minimums set out in this part.

Rep 214.04 Media Access.

(a) Public comment hearings shall be open to the print and electronic media.

(b) The moderator shall place limits on the activities of the media to avoid disruption in the following ways:

(1) Limiting the number of media representatives when their presence is disproportionate to the number of other citizens present and shall cause other citizens to be excluded;

(2) Limiting the placement of television cameras to certain locations in the hearing room; and

(3) Prohibiting interviews from being conducted within the hearing room during the hearing.

Rep 214.05 Moderator.

(a) The hearing shall be presided over by a moderator who shall be the board chairperson or a designee.

(b) The moderator shall:

(1) Call the hearing to order;

(2) Cause a recording of the hearing to be made;

(3) Place limits on the media to avoid disruption as set out in Rep 214.04(b);

- (4) Recognize those who wish to be heard and establish the order thereof;
- (5) Limit the time for each speaker, as set out in Rep 214.06(b);
- (6) Remove or have removed any person who disrupts the hearing;
- (7) Adjourn the hearing; and
- (8) Provide opportunity for the submission of written comments.

Rep 214.06 Public Participation.

(a) Any person who wishes to speak on the issue or issues which are the subject of the hearing shall place his or her name and address on a speakers' list before the last speaker on the list has finished speaking. All whose names appear on the speakers' list, as provided, shall be afforded reasonable time to speak at the hearing. Reasonable time shall be determined considering the number of people who wish to be heard, the time and the availability of the facility.

(b) The board, through the moderator, shall:

- (1) Refuse to recognize a person who refuses to give his or her full name and address;
- (2) When a group or organization wishes to comment, limit the group to no more than 3 spokespersons, provided that the members who are present shall be allowed to enter their names and addresses into the record as supporting the position by the group or organization;
- (3) Revoke recognition of a speaker who speaks or acts in an abusive or disruptive manner;  
or
- (4) Revoke recognition of a speaker who refuses to keep his or her comments relevant to the issue or issues which are the subject of the hearing.

(c) Written comments may be submitted any time from the time notice has been published until the record has been closed by the moderator, which shall not be less than 7 calendar days after the hearing.

(d) In the event that the number of speakers who wish to give oral testimony relevant to the issue or issues involved exceed that number which can be heard within a reasonable period of time subject to facility availability and length of the hearing, the hearing shall be reconvened pursuant to RSA 541-A:11, III to afford such persons the opportunity to be heard. Speakers may elect to submit written testimony in lieu of additional oral hearing.

PART Rep 215 PETITION FOR RULEMAKING

Rep 215.01 Petition for Rulemaking.

(a) Any person may request the board to commence a proceeding for the purpose of adopting, amending, or repealing a rule by filing a written petition that contains:

- (1) The text of the proposed rule or a statement of the particular results intended by the petitioner to flow from the implementation of the proposed rule;
- (2) An identification of the particular rule sought to be amended or repealed;
- (3) Any data or argument the petitioner believes would be useful to the board in deciding whether to commence a rulemaking proceeding; and
- (4) Name, address, signature of petitioner and date signed.

Rep 215.02 Disposition of Petition.

(a) The board shall consider all petitions for rulemaking and proceed pursuant to RSA 541-A:4. The board shall request additional data or argument from the petitioner or other interested persons to clarify the merits of the petition.

(b) The board shall grant the petition if the petition is consistent with statute and case law and will assist the board with the regulation of the profession.

PART Rep 216 DECLARATORY RULINGS

Rep 216.01 Petitions.

(a) Any person may request a declaratory ruling from the board on matters within its jurisdiction by filing an original and 5 copies of a petition pursuant to Rep 206.02 (b).

(b) A petition for declaratory ruling shall set forth the following information:

- (1) The exact ruling being requested; and
- (2) The statutory and factual basis for ruling, including any supporting affidavits or memoranda of a law.

Rep 216.02 Action on Petitions.

(a) The petitioner shall provide such further information or participate in such evidentiary or other proceedings as the board shall direct after reviewing the petition and any replies received.

(b) Upon review and consideration, the board shall within 90 days rule on the petition pursuant to Rep 206.02 (d).

PART Rep 217 EXPLANATION AFTER ADOPTION

Rep 217.01 Explanation after Adoption.

(a) Any person may request an explanation regarding adoption of the rules pursuant to RSA 541-A:11,VII by submitting a request to the board.

(b) The request shall be considered at the next scheduled board meeting and the board shall issue a response within 45 days after consideration.

CHAPTER Rep 300 LICENSURE REQUIREMENTS

PART Rep 301 APPLICATION REQUIREMENTS

Rep 301.01 Application Process.

(a) Persons wishing to become licensed as a court reporter in New Hampshire shall submit an application for licensure form provided by the board which contains the information specified in Rep 301.02, and the application fee specified in Rep 301.04.

(b) An application for licensure form, which is not signed by the applicant, and/or is not accompanied by cash, a valid check or a valid credit card for the application fee, shall not be accepted for processing and shall be returned to the applicant.

(c) If the application for licensure is denied, the applicant shall be provided an opportunity to request a hearing pursuant to Rep 206 on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) Applications about which there has been no communication from the applicant to the board for one year shall be destroyed.

Rep 301.02 Application for Licensure.

(a) Each applicant for licensure shall provide, or cause to be provided, the following on an application for licensure form:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's residence and business name and addresses, ~~and~~ telephone numbers and e-mail address;
- (3) The applicant's date of birth, and place of birth;
- (4) The applicant's dates of employment, titles of positions, and present address of employer;
- (5) Character of employment including types of work performed and degree of responsibility;
- (6) Name and present address of someone familiar with each position;
- (7) Highest grade attended including name of institution, years attended, location, graduation date and copies of high school diploma or the equivalent;

- (8) A listing of every state in which the applicant holds or has ever held registration/certification/licensure as a court reporter with corresponding number, whether the license is active or lapsed, reciprocity or grandfathered and date of initial registration/certification/licensure;
- (9) Whether the applicant has ever lost or been denied registration/ certification/licensure as a court reporter or disciplined by this board or another court reporter licensing board in any other state and if so, an explanation of the circumstances;
- (10) Whether the registration/certification/licensure as a court reporter was issued by examination, if so the location, date and grade awarded;
- (11) Whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
- (12) The names, complete addresses, occupation and business relationship with the applicant of 3 references as specified in Rep 302.02;
- (13) The applicant's social security number required pursuant to RSA 161- B:11, VI-a;
- (14) Date of certification from the National Court Reporters Association or the National Verbatim Reporters Association;
- (15) Whether the applicant has ever applied for a court reporter's license in New Hampshire and, if so, the status;
- (16) Whether the applicant is applying for facilitated licensure as a military spouse;
- (17) An affidavit acknowledging that the applicant has provided correct and true statements in the application;
- (18) The applicant's signature and the date; and
- (19) The application fee as specified in Rep 301.04.

Rep 301.03 Additional Requirements. Applicants for licensure shall provide the following:

- (a) A copy of their high school diploma or the equivalent;-
- (b) A copy of a valid certificate from the National Court Reporters Association or the National Verbatim Reporters Association demonstrating proficiency in machine shorthand or voice reporting; and
- (c) A valid surety bond for the penal sum of \$1,000 with one or more sureties approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions or requirements of this subdivision.;

Rep 301.04 Application/Licensure Fees.

- (a) The application for licensure shall be \$300.00.



(b) The wall display certificate fee for licensees shall be \$50.00. The biennial renewal fee shall be \$200.

(c) The reinstatement fee after 12 months shall be the renewal fee plus 20 percent per month late fee totaling \$680.00.

(d) The fee for verification of licensure or certification shall be \$30.00.

(e) The fee for replacement of a lost or mutilated certificate of licensure shall be \$50.00.

Rep 301.05 Fees. All fees shall be paid in the form of, cash, money order, bank draft, check or credit card payable to "Treasurer, State of New Hampshire" and are non-refundable.

## PART Rep 302 QUALIFICATION OF APPLICANTS

### Rep 302.01 Candidate Requirements.

(a) Candidates for licensure shall meet the requirements established by RSA 310-A:167, RSA 310-A:169, and RSA 310-A:170 before a license shall be granted. The board shall require documentation of the applicant's education and work experience to help determine competency if their application is unclear, contradictory or incomplete.

(b) Qualifications shall be as follows:

(1) Candidates shall possess valid Certification from the National Court Reporters Association or National Verbatim Reporters Association demonstrating proficiency in machine shorthand or voice reporting;

(2) Candidates shall be at least 18 years of age; and

(3) Candidates shall possess a high school education or the equivalent;

(4) Candidates shall be of good moral and professional character, as evidenced by:

a. The answers to questions Rep 301.02 (a) (9) and (11) on the application form;

b. Any verification information as described in Rep 301.03 (b); and

c. The letters of reference required by Rep 302.02.

(c) Standards of practice pursuant to RSA 310-A:167 shall be in accordance with the rules of professional conduct set forth in Rep 501.

(d) Experience gained in the armed services, to be creditable, shall be of a character equivalent to that which would have been gained in the civilian sector doing similar work and shall be consistent with the requirements of Rep 302.01.

Rep 302.02 References Required. Each applicant for licensure or reinstatement shall provide the board with the names and addresses of at least 3 individuals, who shall provide references, and are not related to the applicant. The references shall be individuals having personal or professional knowledge of the applicant's character or qualifications as a court reporter.

Rep 302.03 Information from References. Information from references shall be requested by the board on the reference forms provided by the board as follows:

- (a) Applicant's name;
- (b) Reference's full name and address, relationship to the applicant;
- (c) The reference's business or profession;
- (d) Whether the reference is a licensed court reporter and if so in what state and license number;
- (e) How long the reference has known the applicant;
- (f) Whether the reference is related to the applicant;
- (g) The reference's business connection with the applicant;
- (h) Whether the reference knows anything that reflects adversely on the integrity or good general character of the applicant;
- (i) Whether the reference would employ the applicant in a position of trust;
- (j) Whether the applicant is connected with a firm, the name and address of the firm and the position that the applicant fills;
- (k) Whether the applicant is in individual practice and the nature of such practice;
- (l) Whether the reference recommends the applicant for licensure as a court reporter;
- (m) Remarks concerning the applicant; and
- (n) Signature of reference and date.

Rep 302.04 Additional References. The board shall require of the applicant the names and addresses of additional references if the original information provided by the references is unclear, incomplete or contradictory.

Rep 302.05 Denial of Application. An application for licensure shall be denied if, after notice and an opportunity for hearing, there is a finding that:

- (a) The applicant, or someone acting on the applicant's behalf, has submitted false information to the board in connection with the application;
- (b) Evidence of past disciplinary action taken by another licensing body or a professional society or association, which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the standards of conduct required by Rep 500;
- (c) Evidence of conviction of a felony or misdemeanor which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the ethical standards required by Rep 500;

(d) Evidence of behavior that would violate the ethical standards of Rep 500, which indicates the applicant cannot be relied upon to practice competently, and honestly, or adhere to the ethical standards required by Rep 501.03;

(e) The applicant failed to meet the requirements of Rep 302 and RSA 310-A:167, RSA 310-A:169 and RSA 310-A:170;

(f) The applicant failed to submit the fee required per Rep 301.04; or

(g) The applicant failed to successfully pass the examinations required per Rep 303.01.

#### PART Rep 303 EXAMINATIONS

Rep 303.01 Examinations. All candidates for licensure shall have successfully passed the National Court Reporters Association registered professional reporter or National Verbatim Reporters Association certified voice reporter examination.

#### PART Rep 304 CREDENTIALS

Rep 304.01 License. An applicant for licensure as a court reporter, who has satisfactorily met all the requirements of RSA 310-A and who has paid all of the fees, shall be issued a license by the board. The licensee shall be issued a license authorizing the practice of court reporting that shall show the full name of the licensee, shall have a serial number, and shall be signed by members of the board.

Rep 304.02 Pocket Cards. Biennially, the board shall issue a licensure card, numbered to correspond with the court reporter's assigned number to each licensed court reporter upon renewal of the license. The card shall certify that the court reporter holds a license in good standing and is authorized to practice as a court reporter to the date of expiration as shown on the card.

#### Rep 304.03 Licensed Court Reporter Seal/Stamp/License Number.

(a) The board shall upon issuance of a license to an applicant as a licensed court reporter require the licensee to acquire an impression type seal or rubber stamp of the design approved by these rules and submit the seal to the board for approval. This seal shall bear the licensee's name and number as shown on the license. This seal shall be affixed on all transcripts, and reports prepared by the licensee, and shall indicate the reporting method utilized as defined in RSA 310-A:162.

(b) The seal shall consist of 2 concentric circles with the outer circle having a diameter of 1- 9/16 inches and the inner circle diameter of 15/16 inches. In the space between the circles, the top shall be the words "Licensed Court Reporter" and at the bottom "State of New Hampshire." In the space inside the inner circle shall be the full name of the licensee and the license number written horizontally, and the reporting method utilized.

(c) The stamping or sealing of any documents by the licensee with the licensee's seal after the license has expired, has been suspended, revoked or surrendered voluntarily shall be a violation of these rules. The stamping or sealing of any documents by the licensee not prepared by the licensee personally or under the licensee's direct supervision shall be a violation of these rules.

(d) The board shall upon issuance of a license to an applicant as a licensed court reporter require that the licensee shall display their license number on any transcripts, business cards and other information made available to the public by the licensee.

## PART Rep 305 FACILITATED LICENSING FOR MILITARY SPOUSES

### Rep 305.01 Licensing for Active Duty Military Spouses.

(a) Each applicant for licensure who is a military spouse pursuant to RSA 332-G:7, III shall apply to the board for licensure on an application for licensure form as specified in Rep 301.02 and pay the fee set forth in Rep 301.04.

(b) Each applicant for facilitated licensing as a military spouse shall provide a copy of the military member's orders showing proof of active duty status.

(c) Each applicant who applies for facilitated licensing as a military spouse shall be eligible to obtain a facilitated license if the military spouse is licensed or registered in another state or jurisdiction, provided that the other state's or jurisdiction's licensure or registration requirements are consistent with Rep 302.01.;

(d) Verification of licensure and examination shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state or jurisdiction for approval.

(e) A military spouse who obtains a facilitated license shall comply with all license renewal requirements pursuant to Rep 403.01.

## CHAPTER Rep 400 CONTINUED STATUS

### PART Rep 401 RENEWAL OF LICENSE

Rep 401.01 Expirations and Renewals. Pursuant to RSA 310-A:173, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The board shall notify each court reporter one month prior to expiration of their license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board.

Rep 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

- (a) The renewal application supplied by the board;
- (b) The fee specified in Rep 301.04;
- (c) If the renewal is not received by the date of expiration, a late fee of 20 percent per month; and
- (d) Proof of completion of the continuing education requirements of Rep 403.

Rep 401.03 Renewal Application. The applicant shall supply the following information on the renewal application form:

- (a) The applicant's full name;
- (b) The applicant's business, name, address and telephone number;
- (c) The applicant's home address and telephone number;
- (d) The applicant's e-mail address;

- (e) The applicant's license number and expiration date;
- (f) The renewal amount due;
- (g) An attestation and documentation that the applicant has complied with the continuing education requirements of Rep 403;
- (h) A statement indicating any disciplinary action brought against the applicant;
- (i) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
- (j) A statement indicating that the applicant has adhered to the ethical and professional standards of Rep 500;
- (k) Acknowledgement that, if the applicant provided false information in the application it is a basis for disciplinary action by the board;
- (l) A surety bond for the penal sum of \$1,000 with one or more sureties approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions or requirements of this subdivision; and
- (m) The applicant's signature and date.

Rep 401.04 Denial of Renewal. Renewal shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Rep 403.01;
  - (b) Any unethical act for which discipline shall be imposed under Rep 500;
  - (c) Reasons for which an initial application could be denied;
  - (d) Failure to furnish complete or accurate information on an initial or renewal license application;
- or
- (e) Failure to file a renewal application within 12 months of license expiration.

Rep 401.05 Reinstatement. A court reporter whose license to practice court reporting in this state has been allowed to lapse for a period of 12 months or more shall:

- (a) File a reinstatement application with the board that shall include at least the following:
  - (1) The applicant's full name, including any names previously used;
  - (2) The applicant's business name, position, address and telephone number;
  - (3) The applicant's home address, e-mail address and telephone number;

- (4) Documentation that the applicant has complied with the continuing education requirements of Rep 403;
  - (5) A statement indicating any disciplinary action brought against the applicant;
  - (6) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
  - (7) A statement indicating that the applicant has adhered to the ethical and professional standards of Rep 500;
  - (8) A statement indicating that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board;
  - (9) Three references from court reporters as defined by RSA 310-A:162, II, on the reference forms specified in Rep 302.03;
  - (10) A surety bond for the penal sum of \$1,000 with one or more sureties approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms conditions, provisions or requirements of this subdivision; and
  - (11) The applicant's signature and date.
- (b) Applicants shall submit the application and reinstatement fees as specified in Rep 301.04.

Rep 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Rep 403.01;
- (b) Any unethical act for which discipline shall be imposed under Rep 500;
- (c) Reasons for which an initial application could be denied; or
- (d) Failure to furnish complete or accurate information on an initial or renewal license application.

Rep 401.07 Active Duty Military Inactive Status

(a) The board shall place a court reporter on inactive status pursuant to RSA 332-G:7, II upon receipt of:

- (1) A written request; and
  - (2) Proof of active duty service in the Armed Forces of the United States.
- (b) The board shall return a court reporter to active status upon receipt of:
- (1) Payment of the renewal fee;
  - (2) Proof of completion of the continuing education requirements pursuant to Rep 403; and

- (3) Proof that the licensee has not been discharged from service in the Armed Forces of the United States for more than one year.

## PART Rep 402 DISCIPLINARY MATTERS

Rep 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

### Rep 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:

- (1) After prior notice and an opportunity to be heard; or
- (2) Pursuant to a mutually agreed upon settlement or consent decree.;

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:174, III after considering the presence of aggravating or mitigating circumstances.

(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:174, III after considering the presence of aggravating or mitigating circumstances.

(e) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) Prior disciplinary record;
- (3) State of mind at the time of the offense;
- (4) Lack of willingness to cooperate with the board; and
- (5) Potential harm to public health and safety.

(f) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) State of mind at the time of the offense;
- (3) Willingness to cooperate with the board;

(4) Acknowledgment of his or her wrongdoing; and

(5) The purpose of the rule or statute violated.

(g) No hearing date established in a proceeding conducted under Rep 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period if any pending issuance of the board's final decision.

(h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Rep 402.03 Administrative Fines.

(a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines or penalties under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay fines in accordance with Rep 402.02, such fines shall be assessed in accordance with the factors stated in Rep 402.02 (e) and the following additional considerations:

(1) The cost of any investigation or hearing conducted by the board; and

(2) The licensee's ability to pay a fine assessed by the board.

(c) Administrative fines shall not exceed the following amounts:

(1) When no violation of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,000.00 per offense whichever is greater;

(2) When a single disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater;

(3) When more than one disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater; and

(4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues, but the total amount of the fine and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines.

(d) A single course of continuing conduct shall be treated as a single violation for purposes of Rep 402.03 (c), (1), (2) and (3).

Rep 402.04 Procedures for Assessing and Collecting Fines.



(a) Payment of a fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a date certain or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board’s disciplinary options shall not be limited to the assessment of an administrative fine.

(c) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be a separate ground for discipline by the board or a basis for denying a subsequent license or renewal application or a basis for judicial action seeking to collect the fine.

#### PART Rep 403 CONTINUING EDUCATION

##### Rep 403.01 Renewal Requirements.

(a) Continuing education hours shall be earned pursuant to RSA 310-A:178.

(b) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he/she has completed the minimum required hours of approved professional development hours required pursuant to RSA 310-A:178.

##### Rep 403.02 Record Keeping.

(a) The responsibility of maintaining records to be used to support credits claimed shall be the responsibility of the licensee.

(b) Records required shall contain at least the following documentation:

(1) A current continuing education transcript from the National Court Reporters Association or

(2) A current continuing education transcript from the National Verbatim Reporters Association.

Rep 403.03 Exemption A licensee shall be exempt from the continuing education requirements for serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year.

Rep 403.04 Waiver of Continuing Education Deadline. A licensee may request waiver of continuing education deadlines, as follows:

(a) A petition requesting a waiver shall be filed at least 30 days before the expiration of the biennial continuing education period in question;

(b) Late filing shall be justified by a showing of good cause that includes serious accident, illness or other circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements;

(c) Relevant supporting documentation from the licensee's physician or medical professional shall be furnished to the board when necessary for a fair and informed determination by the board; and

(d) A waiver petition shall include a specific timetable for completing specific courses, which will meet the petitioner's continuing education unit deficiency.

## CHAPTER Rep 500 ETHICAL STANDARDS, PROFESSIONAL CONDUCT, ADMINISTRATIVE FINES AND LICENSE SURRENDER

### PART Rep 501 ETHICAL STANDARDS/PROFESSIONAL CONDUCT

#### Rep 501.01 Purpose and Scope.

(a) To establish and maintain a high standard of integrity, skills and practice in the profession of court reporting, the following ethical standards/rules of professional conduct are adopted in accordance with RSA 310-A, and shall be binding upon every person holding a license issued by the board.

#### Rep 501.02 Obligation To Obey.

(a) The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall result in disciplinary sanctions. Conduct proscribed by these ethical standards, when performed by a candidate for licensure as a court reporter in this state, or during a prior period of licensure, shall result in denying a license application.

(b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of these ethical standards/rules of professional conduct, and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of court reporting is a privilege, as opposed to a right, and the licensee shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

Rep 501.03 National Court Reporters Association of Code of Ethics as Binding Ethical Standards. The ethical standards binding licensees shall be all provisions of the National Court Reporters Association Code of Ethics adopted in March 2013 by the National Court Reporters Association, Inc. as specified in Appendix B, except as modified in RSA 310-A:180, I, and II.

### PART Rep 502 VOLUNTARY LICENSE SURRENDER

Rep 502.01 Procedure for Surrendering a License. Any person holding a license may voluntarily surrender that license by returning it to the board accompanied by a signed letter stating that he/she intends to surrender his/her license.

#### Rep 502.02 Effect of Voluntary License Surrender.

(a) A licensee who voluntarily surrenders a license shall retain no right or privilege of a New Hampshire license unless such a right or privilege is expressly preserved in the board order or settlement agreement authorizing the voluntary surrender. Subject to such possible preservations, a person who reapplies for licensure in New Hampshire after a voluntary surrender shall have the burden of proving compliance with all of the requirements then in effect for new applicants and professional character requirements.

(b) Non-renewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee's professional conduct while the license was still in effect. Nor shall surrender of a license preclude the board from investigating disciplinary proceedings not expressly referenced in the voluntary surrender order or settlement agreement. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.

Rep 502.03 Voluntary Surrender When Misconduct Allegations are Pending.

(a) A licensee who wishes to surrender his or her license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.

(b) Any settlement agreement reached under (a), above, shall include the following concessions:

(1) That the license surrender has occurred in settlement of pending disciplinary charges; and

(2) That the pending disciplinary allegations shall be fully resolved in any future application filed by the licensee in New Hampshire.

(c) The board shall decline to accept a settlement agreement under (a), above, if the board believes the licensee has declined to disclose material information concerning the alleged misconduct or has refused to stipulate to the truth of specific material facts concerning the alleged misconduct which would be necessary to protect the public interest in the event the licensee subsequently reapplies for a license.

(d) A licensee's stipulation of facts shall be exempt from public disclosure to the extent permitted by RSA 91-A and if the public portion of the settlement agreement or surrender document expressly states that a separate, confidential stipulation of facts is on file with the board.

(e) The fact of license surrender and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision containing specific finding of professional misconduct.